

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 436 - SB 643

March 5, 2011

SUMMARY OF BILL: Increases, from \$2,000,000 to \$3,000,000, the minimum amount of medical malpractice liability insurance required to be maintained by an ambulatory surgical treatment center that performs abortions to be granted a license, renewal of a license, or be authorized to continue operation. Requires the administrator of such facility to be a licensed physician or a registered nurse and to never have been convicted of, or subject to, disciplinary action by the Board for Licensing Health Care Facilities for a violation of the laws governing abortion. Increases, from \$2,000 to \$5,000, the maximum amount of civil penalty the Board may assess for each violation of the licensure and continued operation requirements, in addition to other lawful disciplinary action that can be taken by the Board.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Under current law, a licensed practical nurse or a person with a four-year degree with experience in a health-related field is authorized to be the administrator of an ambulatory surgical treatment center. The administrator is also required to be of good moral character.
- Increasing the minimum amount of medical malpractice liability and increasing the licensure requirements will not have a significant impact on the number of ambulatory surgical treatment centers in the state.
- The Board for Licensing Health Care Facilities will not incur a significant increase in expenditures to regulate the provisions of this bill. The Board will determine compliance during regular inspections of facilities.
- Any rulemaking can be accomplished during regularly scheduled Board meetings and will not result in a significant increase in expenditures.
- Pursuant to Tenn. Code Ann. § 68-11-216, the Board is required to be self-supporting over a two-year period. As of June 30, 2010, the Board had a balance of \$392,654.16.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

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